

REMARKS

In the Office Action, the Examiner rejected claims 16-42. Applicants canceled claims 1-15 in a previous communication. By the present Response, Applicants amend claim 16 to further clarify the claimed subject matter, add new claims 43-46, and cancel claim 18 without prejudice. Upon entry of the amendments, claims 16, 17, and 19-46 will be pending in the present patent application. Applicants respectfully request reconsideration of the above-referenced application in view of the foregoing amendments and the following remarks.

Incomplete Action

Applicants respectfully submit that the Office Action mailed on December 4, 2008, did not address the recitations of dependent claims 18 and 19. Particularly, in the amendment filed September 8, 2008, Applicants amended dependent claims 18 and 19 to include new recitations. The Office Action mailed December 4, 2008, does mention rejections of claims 18 and 19 (see, e.g., page 6), but the rejections appear to be copied from a previous Office Action and do not appear relevant to the recitations of claims 18 and 19 as filed on September 8, 2008. Accordingly, Applicants respectfully request consideration of the subject matter previously recited in claims 18 and 19 (further noting that the subject matter of claim 18 that was not considered in the last Office Action has been incorporated into independent claim 16 by the present communication). Additionally, Applicants respectfully request an indication of allowability as to this subject matter, or a new ground of rejection with respect to this subject matter in a future, non-final Office Action (to provide Applicants a reasonable opportunity to respond to any such new ground of rejection).

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 16-42 under 35 U.S.C. § 103(a) as unpatentable over Slattery et al. (U.S. Patent No. 6,514,085) in view of Ross et

al. (U.S. Patent No. 6,608,628) and Stein (U.S. Patent No. 5,684,952). Applicants respectfully traverse this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). In establishing a *prima facie* case for obviousness, “the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long-felt but unresolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1729 (2007) (quoting *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966)). It is often necessary “to look to interrelated teachings of multiple patents, the effects of demands known to the design community or present in the market place; and the background knowledge possessed by a person having ordinary skill in the art.” *Id.* This analysis should be made explicit. *Id.*

Additionally, a claim having several elements is *not* proved obvious merely by demonstrating that each of its elements was known in the prior art. *Id.* In this regard, the Supreme Court recently reiterated that it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does...because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.* As such, the obviousness inquiry does not hinge on demonstrating that elements were known in the art. Rather, the obviousness inquiry focuses on whether the claimed subject matter would have been obvious to persons having ordinary skill in the art in view of the demands and

practices of the design community at the time of filing of the application. *See id.*

Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Independent Claim 16

Applicants respectfully submit that the Slattery et al., Ross et al., and Stein references collectively fail to disclose each element of independent claim 16. For instance, amended independent claim 16 recites caching image data indicative of at least a portion of an image to be displayed on the display of the first computer, “wherein caching image data indicative of at least a portion of the image includes *caching image data indicative of only a portion of the image*.” (emphasis added). This cached image data of only a portion of the image may then be transmitted to, and cached at, a second computer. Applicants note that the recitation of “caching image data indicative of only a portion of the image” was previously recited in dependent claim 18, and (as discussed above) was not considered by the Examiner in the last Office Action. Further, this claimed feature is not believed to be disclosed in the Slattery et al., Ross et al., and Stein references. Consequently, Applicants respectfully submit that these cited references fail to establish a *prima facie* case of obviousness, and request withdrawal of the present rejection and allowance of independent claim 16 and its dependent claims.

Additionally, Applicants submit that the conclusion that it would be obvious to combine the various teachings of the Slattery et al., Ross et al., and Stein references in the manner proposed in the Office Action appears to also be in error. Particularly, the Examiner relies on the teaching of a Telnet network application program in the Slattery et al. reference as disclosing the recitation of “controlling the first computer via the second computer in an operating system-independent manner.” *See* Office Action mailed

December 4, 2008, page 4 (first full paragraph). Claim 16 further recites that a collaborative computing environment enables this operating system-independent control by, among other things, caching image data and transmitting the cached image data from the first computer to the second computer. The Examiner relies on the Stein reference as disclosing this subject matter. *See id.*, page 5 (first full paragraph).

It is noted, however, that Telnet is a client-server protocol, and that a Telnet application is typically used to provide a command-line interface on a first computer that allows a user to input commands to be executed on a remote second computer. Even though Telnet may allow remote control of a computer, it is not apparent from either the references or the rejection as to how the Examiner believes that the control Telnet provides is enabled by capturing screen data, transmitting the screen data, caching image data, transmitting the cached image data, etc. Further, the rejection provides no explanation as to how one skilled in the art might go about incorporating such functionality into a Telnet application, or why one skilled in the art would find it obvious to do so. For this additional reason, Applicants respectfully request that the Examiner either clarify his rejection (providing some well-reasoned explanation as to why it would be obvious to one skilled in the art to combine these disparate teachings (and how he or she would do so), or withdraw the rejection.

Independent Claims 28 and 34

Applicants respectfully submit that the Slattery et al., Ross et al., and Stein references also collectively fail to disclose each element of independent claims 28 and 34, and their respective dependent claims. For instance, independent claim 28 recites “collaboratively interacting with a medical diagnostic imaging system coupled to [a] first remote computer, wherein [a] second remote computer interacts with the medical diagnostic imaging system via the first remote computer.” Independent claim 34 recites “a user interface shared by [] first and second computers,” and that “the second computer interacts with [a] medical diagnostic imaging system by controlling the first computer.”

Because the cited references fail to disclose such an element, the cited references cannot support a *prima facie* case of obviousness with respect to independent claims 28 and 34, or their respective dependent claims.

In the Office Action, although the Examiner relied on the Stein reference as disclosing independent first and second computers, the Office Action provides no indication as to how any of the cited references, or combinations thereof, could be construed as disclosing a second computer that “interacts with the medical diagnostic imaging system via [a] first remote computer.” The Slattery et al. reference, at best, teaches separate control of a device by respective student and instructor terminals. *See* Slattery et al., col. 4, lines 10-21; col. 7, line 40 – col. 8, line 32. The Stein reference discloses a system that allows a teacher workstation to control a student workstation. *See* Stein, col. 5, lines 31-43; col. 6, line 66 – col. 7, line 10. Neither of these references appear to disclose a second computer that interacts with a machine (let alone a medical diagnostic imaging system) by controlling a first computer.¹ Further, the Ross et al. reference does not appear to obviate this deficiency. Consequently, the cited references do not disclose each and every element, and a *prima facie* case of obviousness of the instant claims has not been established.

¹ In fact, although the Board placed significance on the difference between a computing system and a computer *per se*, and Applicants previously amended the claims to recite a computer rather than a computing system, the present rejection of the instant claims still appears to be based on the interpretation of the Slattery trainee computing system as “includ[ing] a user computer, a device controller, and a device,” and that because a trainer can control the aforementioned device, the trainer’s computer can control the trainee computing system. *See* Decision on Appeal mailed July 8, 2008, pages 16-17; Office Action mailed December 4, 2008, page 3.

For at least these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103 and allowance of claims 16, 17, and 19-46.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: March 4, 2009

/Lee Eubanks/
L. Lee Eubanks IV
Reg. No. 58,785
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545